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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

**ARLIN LIDSTROM and LAVERNE
LIDSTROM, husband and wife and
the marital community comprised
thereof,**

Plaintiffs,

SCOTLYNN COMMODITIES INC.,
a foreign business entity; and YING
H. ZHU, individually.

Defendants.

No. 4:23-cv-05144-SAB

ANSWER, AFFIRMATIVE DEFENSES AND JURY DEMAND BY DEFENDANTS

Defendants Scotlynn Commodities Inc. (“Scotlynn”) and Ying Zhu (“Mr. Zhu”) answer Plaintiff’s Complaint, denying all allegations unless specifically admitted.

1. JURISDICTION & VENUE

1.1. Admit there is complete jurisdiction between the parties, insofar as

Plaintiffs allege they are citizens of Washington and that Defendants are citizens of Canada. Deny all other allegations.

1 1.2. Admit the subject accident that occurred on March 24, 2022 occurred
2 in Franklin County, Washington and that this case is proper before the
3 Eastern District of Washington. Deny all other allegations.
4

5 **2. PARTIES**

6 2.1. Admit on information and belief.

7 2.2. Admit Scotlynn is a Canadian company doing business in the United
8 States, with its principal place of business in Ontario, Canada. Deny all
9 other allegations.

10 2.3. Admit Mr. Zhu is a citizen of Ontario, Canada. Deny all other
11 allegations.

12 2.4. Admit Mr. Zhu was acting within the course and scope of his
13 employment as a driver for Scotlynn, and therefore Scotlynn is
14 vicariously liable for his negligence, if any. Deny all other allegations.

15 2.5. Admit the subject accident at issue in this lawsuit occurred at the
16 intersection of State Route 395 and Foster Wells Road, in Pasco,
17 Washington. Deny all other allegations.

18 **3. FACTS**

19 3.1. Admit on information and belief that on March 24, 2022, Plaintiff was
20 driving southbound on State Route 395 at the time of the accident,

1 traveling towards the intersection of State Route 395 and Foster Wells
2 Road. Deny all other allegations.
3

4 3.2. Deny for lack of information.
5

6 3.3. Admit State Route 395 is a roadway with two northbound and two
7 southbound lanes, separated by a grass median. Admit Foster Wells
8 Road intersects State Route 395 from the east and west. Admit the
9 intersection of eastbound Foster Wells Road and southbound State
10 Route 395 has a stop sign for traffic from Foster Wells Road. Deny all
11 other allegations.
12

13 3.4. Admit Mr. Zhu was driving a bright orange commercial motor vehicle
14 headed eastbound on Foster Wells Road. Admit he came to a complete
15 stop at the intersection of State Route 395 and Foster Wells Road,
16 intending to turn left and travel northbound on State Route 395. Admit
17 Mr. Zhu waited until traffic was clear to begin his turn. Admit Plaintiff
18 struck the left rear portion of his trailer during that turn. Deny all other
19 allegations.
20

21 3.5. Deny.
22

23 3.6. See Response to Paragraph 3.4. Deny all other allegations.
24

25 3.7. Deny.
26

3.8. Deny.

1 3.9. Admit Mr. Zhu was operating a bright orange tractor-trailer
2 combination vehicle. See also Response to Paragraph 2.4. Deny all
3 other allegations.
4

5 3.10. Admit Scotlynn leased the tractor to Mr. Zhu and that Scotlynn owned
6 the trailer. Deny all other allegations.
7

8 3.11. Deny.
9

10 3.12. Deny.
11

12 3.13. Deny.
13

14 3.14. Deny.
15

16 3.15. Deny.
17

18 3.16. Deny for lack of information.
19

20 3.17. Deny.
21

22 3.18. Deny for lack of information.
23

24 3.19. See Response to Paragraph 2.4. Deny all other allegations.
25

26 3.20. See Response to Paragraph 2.4. Deny all other allegations.

4. **CAUSES OF ACTION**

22 4.1. This paragraph contains legal conclusions to which no response is
23 required. To the extent otherwise: Deny.
24

25 4.2. This paragraph contains legal conclusions to which no response is
26 required. To the extent otherwise: Deny.

4.3. This paragraph contains legal conclusions to which no response is required. To the extent otherwise: Deny.

4.4. This paragraph contains legal conclusions to which no response is required. To the extent otherwise: Deny.

4.5. This paragraph contains legal conclusions to which no response is required. To the extent otherwise: Deny.

4.6. This paragraph contains legal conclusions to which no response is required. To the extent otherwise: Deny.

4.7. This paragraph contains legal conclusions to which no response is required. To the extent otherwise: Deny

4.8. This paragraph contains legal conclusions to which no response is required. To the extent otherwise: Deny

4.9 See Response to Paragraph 2.4 Deny all other allegations

4.10. This paragraph contains legal conclusions to which no response is required. To the extent otherwise: Deny

5. HARM & LOSS

5.1. Deny.

5.2. Deny.

5.3. Deny.

5.4. Deny.

5.5. Deny.

AFFIRMATIVE DEFENSES

1. Plaintiff failed to serve and/or properly serve Defendants.
 2. Plaintiff failed to state a claim for which relief can be granted.
 3. Discovery may reveal that third parties and/or non-parties over whom Defendants had no control may have caused or contributed to the accident and/or Plaintiff's damages. To the extent supported by the evidence, Defendants request an apportionment of fault under RCW 4.22 et seq.
 4. Discovery may reveal Plaintiffs failed to mitigate the damages claimed and/or to protect against avoidable consequences.
 5. Plaintiffs' claimed injuries, or some portion thereof, may have been caused or aggravated by subsequent intervening and/or superseding events and instrumentalities having no connection or relationship with Defendants or the accident.
 6. If Defendants or their representatives make any advance payment for Plaintiffs claimed damages before trial, any award in this case should be offset by that/those payments.

JURY DEMAND

Defendants demand a jury on all issues.

1 **PRAYER FOR RELIEF**
2

3 WHEREFORE, Defendants pray for judgment:
4

- 5 1. Dismissing Plaintiff's Complaint with prejudice and with costs;
6
7 2. For attorney fees and costs incurred herein;
8
9 3. For an offset for advance payments if applicable;
10 4. Apportionment pursuant to RCW 4.22 et seq.; and
11
12 5. For such further relief as the court deems just and equitable.

13 DATED: November 22, 2023.
14
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18
19

s/ Jeff M. Sbaih

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